

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MARION, et al.

Serial No. Not yet assigned

Filed: Submitted herewith

For: DEVICES AND METHODS FOR
CONTROLLING INITIAL
MOVEMENT OF
ELECTROSURGICAL
ELECTRODE

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO-1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EV337189991US) in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 13, 2003

Date of Deposit
IR1:1049770.1

Cynthia B. Pécheo

In accordance with §1.97(b), this Information Disclosure Statement is being filed within three months of the filing date of the above-identified application, and therefore no fee is required.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there-against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: November 13, 2003

By Diane K. Wong
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicant

JCK/DKW/kmg

O'Melveny & Myers LLP
114 Pacifica, Suite 100
Irvine, CA 92618-3315
(949) 737-2900

Please type a plus sign (+) inside this box →

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

1

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	MARION et al.
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned

Attorney Docket Number

032,290-068

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
AA	D457,960	Eggers et al.	05-28-2002			
AB	D457,628	Eggers et al.	05-21-2002			
AC	6,312,428	Eggers et al.	11-06-2001			
AD	6,287,304	Eggers et al.	09-11-2001			
AE	6,277,083	Eggers et al.	08-21-2001			
AF	6,106,524	Eggers et al.	08-22-2000			
AG	5,947,964	Eggers et al.	09-07-1999			
AH	5,928,159	Eggers et al.	07-27-1999			
AI	6,440,147	Lee et al.	08-27-2002			
AJ	6,471,659	Eggers et al.	10-29-2002			
AK	6,620,157	Dabney et al.	6,620,157			
AL						
AM						
AN						
AO						
AP						
AQ						
AR						
AS						
AT						

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₆
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
AU								
AV								
AW								
AX								
AY								
AZ								
BA								
BB								
BC								

Examiner Signature

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.